

1990

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**MOTOR TRAFFIC (AMENDMENT) BILL (NO. 8) 1990**

**EXPLANATORY MEMORANDUM**

**Circulated by Authority of the Minister For Finance and Urban Services**

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## MOTOR TRAFFIC (AMENDMENT) BILL (NO. 8) 1990

The *Motor Traffic Act 1936* (the Principal Act) regulates various motor traffic and motor vehicle matters such as vehicle registration, driving licences, road safety and parking rules, speed limits and insurance. In particular, section 7A of the Principal Act applies the Australian Design Rules (ADR's), which must be complied with before motor vehicles can be registered or reregistered. The ADR's set out national design standards for vehicle safety and emissions and are endorsed by the Australian Transport Advisory Council.

In 1989 the Prime Minister unveiled a ten point plan which was subsequently endorsed by the Australian Transport Advisory Council, of which all State and Territory Ministers are members, to improve road safety. ADR 65/00, Maximum Road Speed Limiting for Heavy Goods Vehicles and Heavy Omnibuses, applies to vehicles manufactured on or after 1 January 1991 and is designed to implement part of this scheme. This ADR was brought into force as part of the *Motor Traffic (Amendment) Act (No.3) 1990* passed by the Legislative Assembly on 18 October 1990.

The Motor Traffic (Amendment) Bill (No. 8) 1990 (the Bill) amends the Principal Act to extend ADR 65/00 to apply to specified heavy motor vehicles and motor omnibuses manufactured during 1988, 1989 and 1990 as required under the plan.

In order to comply with the requirements of the plan, the Bill, along with similar provisions in the States, will commence on 1 January 1991.

The Bill also provides for the phase in of these requirements during 1991, as allowed by the plan. ADR 65/00 will only apply from 1 January 1992 to heavy motor vehicles manufactured during 1988, 1989 and 1990 which are between 15 and 20 tonnes.

The Bill will have no effect on income or expenditure.

Details of the Bill are included in the Attachment.

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Clause 1 states that the Bill will be known as the Motor Traffic (Amendment) Act (No. 8) 1990.

Clause 2 states that the Bill will commence on 1 January 1991.

Clause 3 defines the Principal Act to be the *Motor Traffic Act 1936*.

Clause 4 amends section 7A of the Principal Act to apply ADR 65/00. It also inserts additional definitions and expands some definitions already in the Act.

Paragraphs 4(a) and 4(b) widen the definition of "applicable design rule", which currently specifies which ADR's apply to a particular vehicle, to apply ADR 65/00 to heavy motor vehicles manufactured during 1988, 1989 or 1990.

Paragraph 4(c) inserts definitions of "heavy motor vehicle" and "manufacturer's gross vehicle mass" into subsection (1) of section 7A of the Principal Act which is an interpretation provision.

A heavy motor vehicle is defined to include a motor vehicle equipped to seat more than 9 adult persons, with a manufacturer's gross vehicle mass of more than 14.5 tonnes, and a motor lorry, an equipment motor lorry or an articulated vehicle having a manufacturer's gross vehicle mass of more than 15 tonnes.

The manufacturer's gross vehicle mass is defined to have the same meaning as that used in the *Motor Traffic (Dimensions and Mass) Act 1990*, that is, the mass that the manufacturer of the vehicle recommends should not be exceeded by the aggregate of the mass of the vehicle and the mass of the load being carried by the vehicle.

Paragraph 4(d) inserts a new subsection (1A) which provides that the provisions of ADR 65/00 apply to heavy motor vehicles manufactured during 1988, 1989 or 1990, by virtue of, and in accordance with section 7A.

Paragraph 4(e) provides that subsection 7A(2) of the Principal Act is to be read subject to inserted subsection (1A).

Subsection 7A(2) provides that a motor vehicle must comply with an ADR if it is stated in the Rule that a class of motor vehicles in which that vehicle is included should comply with that Rule.

Proposed subsection 7A(1A) applies ADR 65/00 to specified vehicles which are not stated in that Rule as having to comply.

Paragraph 4(f) inserts new subsection 7A(5A) into the Principal Act, which provides that subsection 7A (5) of the Principal Act does not apply in relation to Australian Design Rule 65/00 in its application under subsection 7A(1A).

Subsection 7A(5) of the Principal Act is a deeming provision which provides that a motor vehicle or trailer which has been registered prior to the commencement of the Motor Traffic (Amendment ) Act (No 3) 1990 shall be deemed to comply with an applicable design rule.

Therefore, this provision by virtue of paragraph 4(f) does not apply in respect of Australian Design Rule 65/00 to a heavy motor vehicle manufactured during 1988, 1989, or 1990.

Clause 5 is a transitional clause. It states that the reference to 15 tonnes in paragraph (b) of the definition of "heavy motor vehicle" in paragraph (c) of clause 4 of the Bill is to have effect during 1991 as if there were substituted a reference to 20 tonnes. The clause gives effect to the phase in provisions of the Prime Minister's ten point plan which provided that ADR 65/00 would only apply to heavy motor vehicles over 15 tonnes from 1 January 1992, while heavy motor vehicles over 20 tonnes would have to comply from 1 January 1991